

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

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**IN RE:**

Sheronia Samuels,

**Debtor**

**AFFIRMATION IN  
OPPOSITION**

**Bk. No.: 10-47677-ccc  
Chapter 13**

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Anne M. Hulbert, Esq., an attorney duly licensed to practice law in the State of New York and admitted in the Southern District of New York, affirms the following to be true, under penalty of perjury:

1. That I am an attorney at law duly licensed to practice before this Court and I am an associate with the office of Steven J. Baum, P.C., attorneys for Bank of America, servicer for secured creditor, Deutsche Bank National Trust Company as Trustee for First Franklin Mortgage Loan Trust 2006-FF7, Mortgage 'Pass-Through Certificates Series 2006-FF7 ("Secured Creditor"). The Secured Creditor is the holder by assignment of a mortgage dated February 10, 2006 with respect to the property commonly known as 87-01 Clover Place, Hollis, New York (the "Mortgaged Premises"). A copy of the mortgage and assignment is attached as Exhibit "A".
2. This affirmation is submitted in opposition to Sheronia Samuels' (the "Debtor") request for loss mitigation filed on October 21, 2010.
3. The Secured Creditor opposes the request on the ground that there is no automatic stay as to the Secured Creditor, because Debtor filed the instant Chapter 13 petition after a foreclosure sale of the Mortgaged Premises was held.

4. The Secured Creditor commenced an action to foreclose its mortgage by the filing of a Summons and Complaint in the Queens County Clerk's Office on April 15, 2009.
5. A foreclosure sale of the Mortgaged Premises was scheduled for August 13, 2010 at 11:00 a.m. The sale was concluded at 11:39 a.m. and the Mortgaged Premises was sold to a third-party.
6. Debtor filed this Chapter 13 case on August 13, 2010 at 11:44 a.m.
7. Debtor has filed an Order to Show Cause in Queens County Supreme Court seeking to set aside the foreclosure sale due to the instant bankruptcy filing. The Secured Creditor has filed opposition to Debtor's application for this relief. The matter is under submission to the Hon. Marguerite A. Gray, JSC as of October 19, 2010. Justice Gray has not yet issued a decision.
8. It is the Secured Creditor's position that the foreclosure sale had been completed when the Debtor filed this Chapter 13 petition and, therefore, there is no automatic stay imposed as to the Secured Creditor or to the Mortgaged Premises

**WHEREFORE**, it is respectfully requested that the Court deny the Debtor's request for a loss mitigation order.

/s/ Anne M. Hulbert, Esq.  
Anne M. Hulbert, Esq.

Dated: November 4, 2010